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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,588	01/10/2000	ROBERT LEONARD FULKS	9D-HR-19163-	4504

7590

02/14/2005

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EXAMINER

JEFFERY, JOHN A

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/480,588	Applicant(s) FULKS, ROBERT LEONARD	
	Examiner John A. Jeffery	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawal of Allowability

The indicated allowability of claim 12 is withdrawn in view of the newly discovered prior art to Browne et al (US 2,800,563). The delay in citation of this art is regretted. Rejections based on the newly discovered prior art follow.

Statutory Text in Previous Office Action

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 6-13, and 15-17 are rejected under 35 USC 102(b) as being anticipated by Browne et al (US 2,800,563). The scope and breadth of the claim language did not preclude the citation of Browne et al (US 2,800,563) who discloses a reflective "bracket" 1 comprising a reflective "channel" 4 with ventilation openings 7 positioned longitudinally at the bottom of the channel. See Fig. 2 of Browne et al, enlarged and annotated below for clarity. Because the openings are completely devoid of reflective material, they inherently would contribute to "prevent[ing] a reflection of heat from the bottom of the channel." Note also "flaps" 20.

Regarding claims 8, 9, and 15-17, an integral "holding bracket" 2 extends from an end of the channel 4. The holding bracket comprises a plurality of "fingers" 12.

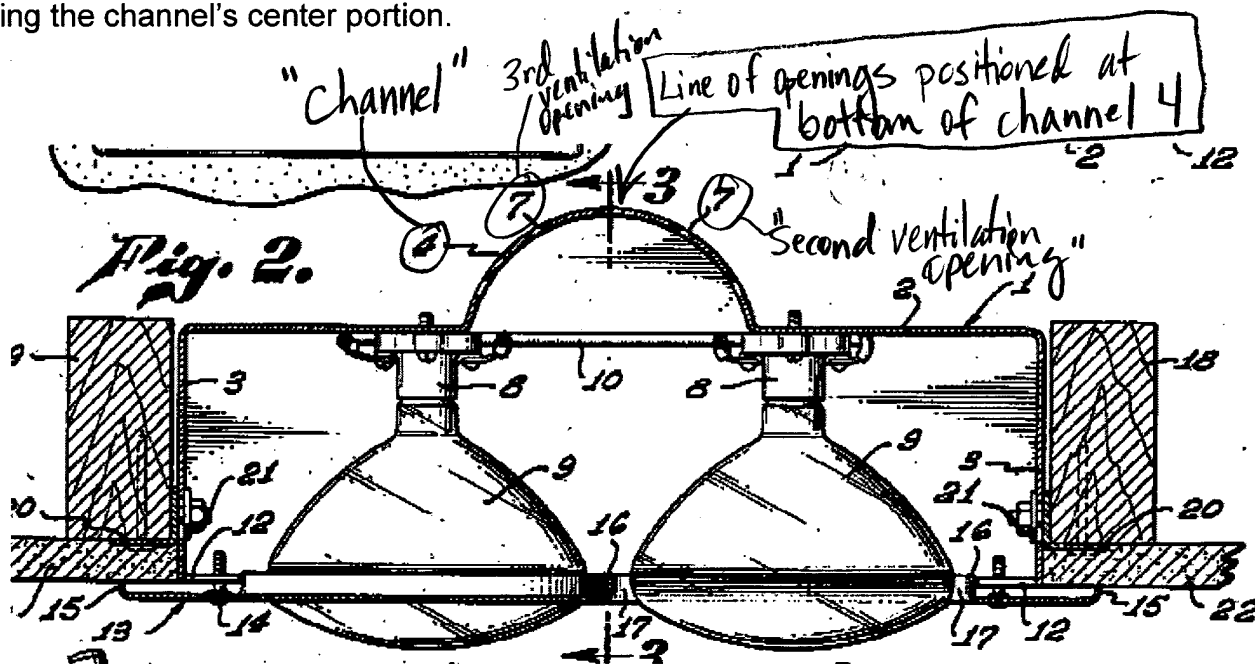
Art Unit: 3742

Regarding claim 6, the lines of circular ventilation openings located on either side of the bottommost line of openings fully meets the claim. See the annotated and enlarged reproduction of Browne's Fig. 2 below.

Moreover, because a circular ventilation opening contains both longitudinal and lateral components, it fully meets the lateral and longitudinal extension limitations of claims 6, 11, and 12.

Regarding claim 10, because the bottommost line of openings is radially disposed (i.e., at an angle) from adjacent lines of openings, they are inherently oblique to one another.¹

Regarding claims 4 and 13, a "shield" 13 is positioned over the entire bracket, including the channel's center portion.



¹ As noted in the previous office action, according to Merriam-Webster's online dictionary, the term "oblique" is defined as "neither perpendicular nor parallel: inclined." Merriam-Webster Online Dictionary, at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=oblique> (last visited Aug. 26, 2004). Therefore, the lines of ventilation openings along the parabolic channel of Browne fully meet this interpretation.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al (US 2,800,563). The claims differ from the previously cited prior art in calling for the shield to be integral with the channel. However, it is well settled that the recitation that a structure is integral, as contrasted to constituent parts which are rigidly secured together, is merely a matter of obvious engineering design choice. See *In re Fridolph*, 50 CCPA 745, 89 F.2d 509, 135 USPQ 319. See also *In re Lockhart*, 90 USPQ 214 (CCPA 1951), *In re Larson*, 144 USPQ 347, and *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Thus, although the shield is rigidly secured to fingers 12 via fasteners, integrally forming the structure would have been obvious design choice.

Moreover, by forming such brackets integrally, the structure can be fabricated from a single sheet of metal thus reducing apparatus parts and precluding the need for fasteners. In view of this well-known advantage, it would have been obvious to one of ordinary skill in the art to form the shield integrally so that the structure can be fabricated from a single sheet of metal thus reducing apparatus parts and precluding the need for fasteners.

Response to Arguments

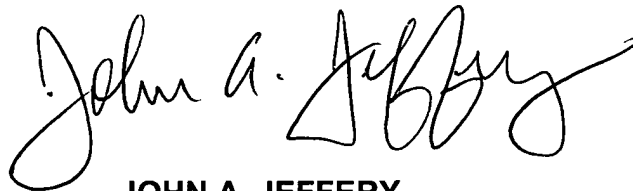
Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Jeffery whose telephone number is (571) 272-4781. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans, can be reached on (571) 272-4777. All faxes should be sent to the centralized fax number at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John A. Jeffery", with a stylized, flowing script.

**JOHN A. JEFFERY
PRIMARY EXAMINER**

2/10/05